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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,198	02/25/2004	Thomas Birkhoelzer	32860-000703/US	3374

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HARNESSE, DICKEY & PIERCE, P.L.C.  
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EXAMINER
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HOANG, DANIEL L

ART UNIT	PAPER NUMBER
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2436

NOTIFICATION DATE	DELIVERY MODE
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03/08/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

demailroom@hdp.com  
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pshaddin@hdp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/785,198	<b>Applicant(s)</b> BIRKHOELZER ET AL.	
	<b>Examiner</b> DANIEL HOANG	<b>Art Unit</b> 2436	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2012.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1-22,25,27-34,36,40,41 and 43-48 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-22,25,27-34,36,40,41 and 43-48 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                          |

## **Detailed Action**

### ***Response to Arguments***

The 101 rejection of the previous action has been withdrawn.

Applicant's arguments filed 1/26/12 have been fully considered but they are not persuasive.

Applicant argues the following:

- a. The surrogate ID of Bradee does not identify the user as recited by claim 1.

In response to a., examiner respectfully disagrees. As argued by applicant, the user signature identifies the user. Applicant claims that the surrogate ID taught by Bradee represents all people with a particular user role so it cannot identify a user as required by claim 1. Whether or not the surrogate ID represents one user or represents one user within a group of users is a moot point. Applicant's claim language only recites that the user signature identifies the user. Therefore, the surrogate ID identifying a user within a group of users or identify one sole user still adequately represents some kind of identification of the user.

- b. user signature vs. role signature is alleged to be equated to the surrogate ID.

In response to b., examiner respectfully disagrees. As cited in the rejection, the surrogate ID and password are used to determine the user's role. The user's role is viewed as the claimed "role signature". Paragraph 57, cited in the rejection, shows examples of users' roles.

- c. the examiner's motivation does not exist.

In response to c., examiner respectfully disagrees. Applicant argues that the surrogate ID of Bradee identifies a group of individuals and not an individual. Applicant's claim language only cites that the user is identified. The user being identified as being in a group is a form of identifying. Thus, the combination resulting in either a user or a group of users being identified as accessing data is a valid combination.

- d. no security check each access operation.

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In response to d., examiner respectfully disagrees. Applicant argues that the token replaces security checks for a period of time. The token merely removes the need for the user to send the user ID and password every single time but the token still represents a security check as the token is checked on each access operation.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-22, 25, 27-34, 36, 40, 41 and 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradee, US PGP No. 20020095571 and further in view of Ballantyne (US Patent No. 5867821).

#### **As per claim 1, 9, 16, 29, and 40, Bradee teaches:**

A method for signing access operations to electronic data, comprising:  
performing a security check upon each access operation in order to ascertain the identity of a user;  
assigning a user signature, identifying the user, on the basis of the performed security check without being viewable by the user;

*[see paragraph 40, wherein user ID corresponds to the claimed "identity of a user"]*

*[see paragraphs 41 and 42 wherein the surrogate ID corresponds to the "user signature" and wherein the surrogate ID is not disclosed to the user]*

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assigning at least one role signature, each role signature being assignable to a plurality of users, on the basis of the performed security check without being viewable by the user, each role signature identifying a different activity group with a particular responsibility and at least one role affiliation to the activity group;

*[see paragraph 42, wherein the surrogate ID and password correspond to the user ID's assigned user role. Examiner views this as the claimed "role signature". The surrogate ID and password are not disclosed to the user.]*

*[see paragraph 47, wherein user roles are further defined.]*

*[see paragraph 57, wherein user roles identify different activity groups and responsibilities and role affiliations]*

***The Bradee reference has been discussed above. While Bradee is concerned with assigning role signatures to identify a user, Bradee is mute in teaching that access operations of the user are signed using the user and role signatures. The Ballentyne reference is relied upon to teach the signing of access operations with the user's user and role signatures. For the sake of clarity, Ballentyne is only relied upon to teach signing access operations. Bradee is already cited to teach the actual signatures.***

Ballentyne teaches the following:

signing each access operation to electronic data by specifying the user signature and the at least one role signature; and

*[see col. 8, lines 53-60, wherein Ballentyne teaches that access patient records are documented]*

recording each access operation by storing, in an audit memory, accessed data information and access operation information together with the user signature and the at least one role signature specified for each access operation,

*[see col. 8, lines 53-60, wherein Ballentyne teaches that access patient records are documented]*

wherein the user signature is recorded in a user signature memory and in the audit memory,

the accessed data is stored in an application data store, and

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*[see col. 8, lines 53-60, wherein Ballentyne teaches that access patient records are documented and a patient may request an access log which shows an audit trail showing when and who access the patient's records. While Ballentyne does not specifically cite that the accessed data is stored in a data store or an audit memory, it is clear that storage must be necessary so that records of the access can be retrieved and presented to the patient at their request.]*

the at least one role signature is recorded in a role signature memory and in the audit memory.

*[see col. 8, lines 53-60, wherein Ballentyne teaches that access patient records are documented. Examiner views documenting the access as a recording of the user who accessed the data.]*

*Since the Bradee reference already teaches user signatures and role signatures as well as data caches that store said signatures (paragraph 31), it would be obvious to one of ordinary skill in the art to modify the Bradee reference to sign access operations using said signatures in order to keep a record of when and who accessed data and what actions took place once access was given so that the records can be given to users of the system.*

### **As per claims 2, 10, and 30:**

The method as claimed in claim 1, wherein the security check involves biometric data from the user being ascertained.

*The Bradee reference teaches that a username and password are ascertained and used during the security check. Bradee does not specifically cite biometric data being used. Examiner views this as merely a matter of design choice and that it would be obvious to ascertain biometric data representing a username for access procedures. Biometric data used for access control and authentication are well known in the art.*

### **As per claims 3, 11, 17, and 31:**

The method as claimed in claim 1, wherein the security check involves reading at least one of an electronic and mechanical key.

*[Please see rejection of claim 2, wherein an electrical or mechanical key are also viewed as obvious design choices as methods for access control and authentication.]*

**As per claims 4, 12, 18, 19, 25, and 32:**

The method as claimed in claim 1, wherein the user signature to be assigned is ascertainable on the basis of the data ascertained in the security check, by checking a user signature memory.

*[see paragraph 0026, "database 24"]*

**As per claims 5, 13, 20, 21, 27, and 33, Bradee teaches:**

The method as claimed in claim 1, wherein the role signature to be assigned is ascertainable on the basis of the data ascertained in the security check, by checking a role signature memory.

*[see paragraph 41]*

**As per claims 6, 14, 22, 28, 34, Bradee teaches:**

The method as claimed in claim 4, wherein the user signature memory is checked using a data telecommunication link.

*[see paragraph 32]*

**As per claim 7, Bradee teaches:**

The method as claimed in claim 1, the at least one role signature is a plurality of role signatures..

*[see paragraph 57]*

**As per claims 8, 15, and 36, Ballentyne teaches:**

The method as claimed in claim 1, wherein the data are medically relevant, wherein the users are medical specialist personnel, and wherein the roles are formed in line with the workgroups within the medical specialist personnel.

*[see col. 8, lines 1-64]*

**As per claim 41, Bradee teaches:**

The method as claimed in claim 40, wherein an access operation can be reconstructed by specifying at least one of the user's former and current role signatures.

*[see paragraph 56]*

**As per claims 43-46, Ballantyne teaches:**

The method as claimed in claim 1, wherein the user signature memory and the role signature memory are maintained independently from the audit memory.

*[see col. 15, lines 40-67, and col. 16, lines 1-13]*

**As per claim 47, Bradee teaches:**

The method as claimed in claim 1, wherein the at least one role affiliation includes one of an administrative team, project manager, practicing physician, medical cotechnical assistant, system administrator and personnel department.

*[see paragraph 57]*

**As per claim 48, Bradee teaches:**

The method as claimed in claim 1, wherein the assigning a user signature includes uniquely assigning the user signature to the user.

*[see paragraph 61, wherein policy based access definitions are described and wherein the employee number is viewed as the user signature and is unique to just that employee.]*

**Conclusion**

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action



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is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

## POINTS OF CONTACT

\*. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

\*. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Daniel L. Hoang/

Examiner, Art Unit 2436

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/Nasser Moazzami/  
Supervisory Patent Examiner, Art Unit 2436